

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard Randall,

Civil No. 07-3787 (RHK/FLN)

Plaintiff,

ORDER

vs.

Michael J. Astrue, Commissioner of
Social Security,

Defendant.

Based upon the Findings of Fact, Conclusions, and Recommendation of United States Magistrate Judge Franklin L. Noel dated July 24, 2008, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 15) is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 9) is **DENIED**; and
3. Defendant's Motion for Summary Judgment (Doc. No. 11) is **GRANTED**.

Dated: August 27, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge